

COLORADO STATE BOARD OF PHARMACY

August 21, 2008

Minutes

The Colorado State Board of Pharmacy meeting was convened by President E. Katherine Edelblut, R.Ph., at approximately 8:42 a.m. on Thursday, August 21, 2008 at the University of Colorado Health Sciences Center, Anschutz Medical Campus, Education Building 2, South, Room L28-1307, Aurora, Colorado. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph., Jeannine G. Dickerhofe, R.Ph., Rich Doyle, R.Ph., E. Katherine Edelblut, R.Ph., Leonard Hierath, P.E., Paul Limberis, R.Ph., and Averil Strand, R.N.

Staff members attending were Wendy Anderson, R.Ph., Program Director; Chris Gassen, R.Ph., Chief Inspector; Billie Marseilles, R.Ph., Inspector, Susan Martin, R.Ph., Inspector; Mark O'Neil, R.Ph., Inspector; and Tia Johnson, Complaint/Licensing Analyst. Also present was Jo Kaye, First Assistant Attorney General, to advise the Board.

APPROVAL OF MINUTES

The Board approved the minutes from the July 17, 2008 meeting as amended.

ADDITIONS TO THE AGENDA

None.

APPEARANCES

None.

HEARINGS

None.

REPORTS

President's Remarks

Ms. Edelblut extended her thanks to the University of Colorado School of Pharmacy for allowing the Board to conduct the meeting at the School.

Program Director's Report

Ms. Anderson discussed the memo to notify pharmacists and pharmacies regarding generic substitution. The Board had directed staff to prepare this memo at the July board meeting. The Board gave guidance as to additional language and gave direction to staff on the dissemination of the letter.

The Board approved amendments to Policy 10-6, "Delegation to Program Director," and approved a new policy regarding wholesaler licensing, Policy 20-11. The Board reviewed

Rule 6.00.00, noting specific changes. The board reviewed Rule 17.00.00 and determined no changes were necessary at this time.

The Board approved proposed changes to Rules 1.00.00, 2.00.00, 3.00.00, 5.00.00, 7.00.00, 11.00.00, 12.00.00, and 14.00.00 and moved the proposed changes to hearing.

Ms. Anderson then requested the Board's guidance on a pharmacist license transfer applicant who had been disciplined in another state several years prior. The Board advised staff to proceed with the licensing of this individual.

Jeannine Dickerhofe, RPH, agreed to be the Board's representative when The Accreditation Council for Pharmacy Education (ACPE) evaluates the Doctor of Pharmacy program at the Regis University School of Pharmacy in November 2008.

Ms. Anderson requested and the Board granted authorization to initiate complaints against individuals and entities for illegally distributing drugs in Colorado, as well as to initiate complaints against the registrants receiving drugs from unregistered sources.

Ms. Anderson then requested the board's guidance on individuals who report two or more alcohol related infractions within the past five years upon renewal. After due consideration, the Board voted to refer these individuals to Peer Assistance Services for an evaluation.

Ms. Anderson then informed the Board about a new law that went into effect whereby all fines collected by the Board will contain a 15% surcharge.

Colorado Pharmacists Society (CPS) – Rich Doyle, RPh

The next continuing education program is the 2008 CPS Annual Fall Meeting, September 24-26, 2008 in the Summit Conference Center. Fifteen hours of ACPE-approved continuing education will be provided with education tracks for hospital pharmacists and community retail pharmacists. The programs will include a rules update provided by the board inspectors, and a presentation on hazardous waste disposal provided by Kathryn Stewart of the Colorado Department of Public Health and Environment. This will be the first year that the Annual Fall Meeting's Exhibit Hall will be held in conjunction with the University of Colorado School of Pharmacy's Professional Opportunities Day. Pharmacy students will have a chance to meet with potential future employers. Details about the program and registration are available on the CPS website, www.copharm.org.

In recognition of National Pharmacist Month in October, CPS will be staffing phones for Pharmacists Line 9. The public will be invited to call 9 News to speak to a pharmacist. Included with this event will be an interview with a pharmacist discussing the value of pharmacist services. The date for this has not yet been determined.

CPS will be working with RxPlus, Colorado Retail Council, Kaiser and the Pharmaceutical Manufacturers Association in developing an education program on proper drug disposal. The first presentation of this program will be on September 26 at Pikes Peak Community College, where Representative Stephens will be leading the discussion of various strategy options.

The next continuing education program is the 17th Annual Winter CE Seminar, January 18-21, 2009 at the Sheraton Steamboat Springs, where 15 hours of continuing education will be provided. Details will be available on the CPS website www.copharm.org.

Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh

The GEEERC met on Thursday, August 14, 2008 at the Colorado Department of Public Health and Environment (CDPHE). Paul Limberis, committee member and Jeanine Dickerhofe, functional backup attended.

The minutes from the July 8, 2008 meeting were approved.

For the remainder of the meeting, an update on plans for the 2008 Democratic National Convention were reviewed and discussed. This is a National Special Security Event (NSSE), with coordination between the US Secret Service and the Denver Police Department.

Presentations were given in the following areas:

Denver Environmental Health – This agency will have responsibility in monitoring the air quality, behavioral health, overseeing the coroner group, providing the Environmental Field Support Unit, Suspicious Powders Unit, Environmental Investigations Group, food safety, and the Vector Control Unit. It will work with CDHPE on suspicious powders.

Denver Public Health will be responsible for surveillance and readiness. It will work with the CDHPE laboratory for confirming test results and provide field investigations and coordinate mass prophylaxis if needed.

The Medical Branch is being staffed by Denver Health Paramedics, Nurses and Physicians. They will set up operations in the Pepsi Center, and Invesco Field on August 28th. They will be working in teams in the Hard Zone (within the Pepsi Center) and on Gator and Bike teams in the Soft Zone (outside the Pepsi Center). There are agreements to double ambulances in the area and Federal Medical Strike Teams will be called upon to augment the teams as needed. There is a hospital coalition that will work on surge capacity, decontamination, Mass Casualty Incident management and communication, staffing needs, and ability to clear out emergency departments.

The next meeting of the GEEERC will be January 6, 2009.

Intern & School Relations – Jeannine Dickerhofe, RPh

Ms. Dickerhofe reported that the University of Colorado School of Pharmacy admitted 155 new students for the fall of 2008.

Legislation - Jeannine Dickerhofe, RPh.

The Department of Health Care Policy and Financing (HCPF) has temporarily suspended the Prescription Drug Consumer Information and Technical Assistance Program created by HB 07-1021. This program would pay pharmacists for Medicaid patient profile review. The suspension is while HCPF waits for the Centers for Medicare and Medicaid (CMS) to

approve a State Plan Amendment (SPA), which is required in order for the program to receive matching Federal funds. The Department is still waiting for a response from CMS on approval of the program.

Senate Bill 135 was signed by the Governor and requires that rules be adopted requiring every carrier providing a health benefit plan to issue a standardized, printed card containing plan information. The new law also requires that a work group be established that will make recommendations on standards for technology and tools through which information may be electronically recognized, exchanged or transmitted. Pharmacy was represented at the first meeting of the work group by Jim Driscoll of the Colorado Retail Council Pharmacy Committee. Val Kalnins and Jim Driscoll will serve as the pharmacy representative in future meetings. For more information about the proposed rules or amendments, you can contact Christine Gonzales-Ferrer, Compliance Assistant at 303-894-2157 at the Department of Regulatory Agencies.

The Immunization Task Force was unable to meet in August. The next meeting is planned for the middle of September.

The Drug Enforcement Administration (DEA) has released [its proposed rule \(DEA-218P\)](#) that would revise its current regulation on electronic prescribing of controlled substances. Currently, DEA regulations require written prescriptions for controlled substances. The proposed rule would allow for electronic prescribing of controlled substances provided that certain standards are met, including proof of identity and authentication of the prescription to ensure it is valid. Comments on the proposed rule are due on September 25.

Rules – Rich Doyle

None

Inspectors

None

OLD BUSINESS

Miscellaneous

City Market Pharmacy #428, PDO 151-1

At its meeting on November 15, 2007, the Board reviewed the available information concerning Case 2008-0762, and took action concerning the case. However, on November 15, 2007 and on May 15, 2008, the Board also requested that documentation be submitted demonstrating that the security gate leading into the compounding / dispensing area of City Market Pharmacy #428 could be closed and locked with reasonable effort.

The Board reviewed an Agenda Memorandum from Mr. Gassen documenting correspondence received from the pharmacy manager of Sav-On Pharmacy #840, which stated that on May 23, 2008, the security gate had been fixed. This was later verified by a visit to the pharmacy by Inspector Martin.

Upon review, the Board noted the information and determined no further action was necessary.

Stipulations

Family Pharmacy, PDO 7-16

The Board considered correspondence from Family Pharmacy requesting release from the terms of its Stipulation and Final Agency Order. The Board also considered a report from Ms. Johnson. After due consideration, the Board voted to release Family Pharmacy from the terms of its Stipulation and Final Agency Order.

Gheller, Valentino A., RPH 9429

Rich Doyle, R.Ph., and Paul Limberis, R.Ph., recused.

The Board considered correspondence from Mr. Gheller requesting release from the terms of his Stipulation and Final Agency Order. The Board also considered a report from Ms. Johnson. After due consideration, the Board voted to deny Mr. Gheller's request for release from the terms of his Stipulation and Final Agency Order.

May, Robert C., RPH 12515

The Board considered correspondence from Mr. May requesting changes to the terms of his Stipulation and Final Agency Order. The Board also considered a report from Ms. Johnson. After due consideration, the Board voted to deny Mr. May's request for changes to the terms of his Stipulation and Final Agency Order.

McGinnity, Leonard D., RPH 9625

The Board considered correspondence from Mr. McGinnity requesting release from the terms of his Stipulation and Final Agency Order. The Board also considered a report from Ms. Johnson. After due consideration, the Board voted to deny Mr. McGinnity's request for release from the terms of his Stipulation and Final Agency Order.

NEW BUSINESS

Complaints

APP Pharmaceuticals, LLC, Unregistered

2008-3607

After due consideration, the Board voted to issue an order to APP Pharmaceuticals, LLC, directing that they cease and desist the practice of distributing prescription drugs into Colorado until such time as the facility is issued a Colorado Out-of-State Wholesaler license .

The Board also directed that once the Out-of-State Prescription Drug Wholesaler application for APP Pharmaceuticals LLC is completed, that the application be forwarded to the Board for review.

City Market Pharmacy # 437, PDO 14-2

2008-3648

A motion was made, seconded, and carried to dismiss the case as being without merit.

Davis, Anne G., RPH 10583

2008-3492

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Hariri, Mehrdad, Pharmacist Applicant **2009-0075**

After due consideration of the available information, the Board voted to deny the application and refer the case for discipline.

Heartland Prescription Service and Medical Supplies, OSP 5134 **2009-0050**

A motion was made, seconded, and carried to table this case.

Hilst, Todd W., RPH 11288 **2008-3649**

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Magee, Paul J., RPH 16841 **2008-3855**

A motion was made, seconded, and carried to dismiss the case as being without merit.

McNeal, Charity S., RPH 15762 **2008-3945**

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

Ramsey, Sarah B., RPH 17547 **2008-3541**

After due consideration of the available information, the Board voted to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act and Board regulations.

Stofer, Carole A., RPH 12498 **2008-3496**

A motion was made, seconded, and carried to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

University Specialty Drugs, Unregistered **2008-3605**

After due consideration, the Board voted to issue an order to University Specialty Drugs, directing that they cease and desist the practice of distributing prescription drugs into Colorado.

After review of the information contained in Case #2008-3605, the Board directed a complaint be initiated against College Pharmacy, PDO 24-38, and Jerry S. Gillick, RPH 16960. The Board also directed that the information contained in Case #2008-3605 be forwarded to the California Board of Pharmacy, and to the Federal Food and Drug Administration.

Van Slingerlandt, Lideke H., RPH 10871 **2008-3737**

A motion was made, seconded, and carried to dismiss the case as being without merit. Additionally, the Board directed a letter be sent to the pharmacist manager of the pharmacy named in the complaint, asking that the manager review security procedures for the pharmacy.

Vert, Cindy J., RPH 14414 **2008-3894**

After due consideration of the available information, the Board voted to refer the case for discipline.

Walgreen Pharmacy # 6344, PDO 11-18

2008-3736

After due consideration of the available information, the Board voted to refer the case for discipline.

LICENSING

Prescription Drug Outlets, New (In-State)

The Board approved the registrations of 9 new in-state outlets.

Prescription Drug Outlets, New (Out-of-State)

The Board approved the registrations of 6 new out-of-state outlets.

Wholesalers, New (In-State)

The Board approved the registrations of 1 new in-state Wholesalers.

Wholesalers, New (Out-of-State)

The Board approved the registrations of 3 new out-of-state Wholesalers.

Licensure by Examination

The Board ratified the licensure of 61 applicants for licensure by examination.

Licensure by License Transfer

The Board ratified the licensure of 19 applicants seeking licensure through license transfer. It was noted that these licensees met all of the requirements for licensing under the provisions of section 12-22-116, C.R.S.

Licensure Issues

Pharmacist Licensure Issues

Hariri, Mehrdad, RPH Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson. After due consideration of the available information, the Board voted to deny Mr. Mehrdad's pharmacist licensure application.

Scheich, Obadiah J., RPH Applicant

The Board reviewed an Agenda Memorandum from Ms. Johnson. After due consideration of the available information, the Board voted to approve Mr. Scheich's pharmacist licensure application.

Pharmacist Licensure Reinstatement Issues

Vercelline, Yunga L., RPH 14899

The Board reviewed an Agenda Memorandum from Ms. Johnson. After due consideration of the available information, the Board voted to table further review pending receipt of additional information. In addition, the Board gave guidance to staff on how to handle the information upon receipt.

Out-of-State Wholesaler Licensure Issues

University Specialty Drugs, WHO Applicant

The Board reviewed an Agenda Memorandum from Mr. Gassen. After due consideration of the available information, the Board voted to deny University Specialty Drugs' application for an out-of-state prescription drug wholesaler registration.

MISCELLANEOUS

Correspondence, etc.

Request from Kevin Emmons, Program Office Manager, Innovation Associates

The Board reviewed information from Innovation Associates, and directed the Pharmacy Inspectors to gather more information.

Peer Assistance Services, 2007-2008 4th Quarterly Report

The Board reviewed and noted this information.

EXECUTIVE SESSION

Board President E. Katherine Edelblut moved that the Board enter into executive session as authorized by CRS 24-6-402 subsection (3)(a) roman (III) to discuss matters which are required by law to be kept confidential. Specifically, the provisions of law requiring these matters to be kept confidential are:

CRS 24-4-402 subsection (3)(a) romans (II) and (III), and section 13-90-107(b), which protect as confidential communications with counsel that are matters of pending or imminent litigation, or are otherwise subject to the attorney-client privilege, and CRS 25-1-1201 et sequitor, which protects the confidentiality of information pertaining to individual medical records.

The motion was unanimous.

Case Status Reports

The Board read and discussed the case status report from Leslii Lewis, Office of Expedited Settlement.

The Board read and discussed the August 20, 2008 case status report from Ms. Kaye.

The Board discussed all items referred to it earlier in the meeting as well as matters confidential by law.

OPEN SESSION

Printers Parkway Pharmacy, LLC, PDO 721

2009-0372

A motion was made, seconded, and carried to dismiss the case upon the Board staff's approval of a completed Transfer of Ownership application for Printers Parkway Pharmacy, LLC.

ADJOURNMENT

The Board adjourned at approximately 3:39 p.m.

Approved by E. Katherine Edelblut, RPh, President

Date: September 18, 2008